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CR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/487,594	01/19/00	KUEBLER	E 225/48391

PM82/0426  
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EXAMINER  
AVERY, B

ART UNIT 3618 PAPER NUMBER  
1

DATE MAILED: 04/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<h2 style="margin: 0;">Office Action Summary</h2>	Application No. <b>09/487,594</b>	Applicant(s) <b>Kuebler et al.</b>
	Examiner <b>Bridget Avery</b>	Art Unit <b>3618</b>
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b>		
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Feb 8, 2001</u>		
2a) <input type="checkbox"/> This action is FINAL.      2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-16</u> is/are pending in the application.		
4a) Of the above, claim(s) <u>11 and 13-16</u> is/are withdrawn from consideration.		
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-10 and 12</u> is/are rejected.		
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.		
8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. § 119</b>		
13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
*See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).		
<b>Attachment(s)</b>		
15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>5</u>		
18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____		
19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
20) <input type="checkbox"/> Other: _____		

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***Election/Restriction***

1. A restriction requirement has been made in the present application. Applicant was required to choose between Group I-claims 1-10 and 12, Group II-claim 11 and Group III-claims 13-16.

2. Applicant's election of Group I, Claims 1-10 and 12 in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

3. Claims 11 and 13-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

**DETAILED ACTION**

4. The Information Disclosure Statement filed on 1/19/00, by applicant, is acknowledged.

***Claim Objections***

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5. Claim 8 is objected to because of the following informalities: On line 1, "aid" should be changed to --said--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1 recites the limitation "other power generators" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

10. Claims 1 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Worst (US Patent 4,489,242).

Worst discloses a stored power system including: multiple batteries (19a, 19b) for supplying power to vehicle accessories (49). The batteries (19a, 19b) are “capable” of being collocated with the accessories on or in a component of the vehicle. The device is also “capable” of being preassembled as a subassembly. Worst discloses vehicle body modules such as freezer systems. See column 8, lines 50-65. With respect to claim 4, see column 9, lines 1-27. With respect to claim 6, see column 7, lines 37-41.

11. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Boisvert et al. (US Patent 6,064,165).

Boisvert et al. discloses a vehicle having a power window or panel controller and vehicle seats (260, 260') powered by batteries (264, 264').

*Claim Rejections - 35 USC § 103*

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12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. manner in which the invention was made.

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Worst ('242) in view of Koura et al. (US Patent 5,072,163).

Worst discloses the claimed invention except for the use of the power supply system in or on a vehicle door.

Koura et al. discloses a feeding system for electric device mounted in vehicle doors.

Based on the teachings of Koura et al., it would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify the system of Worst to also include consuming devices found on vehicle doors to facilitate ease in operating those devices when the battery that supplies power to the vehicle fails.

14. Claims 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Worst ('242) in view of Kagatani (US Patent 6,211,643).

Worst discloses the claimed invention except for a hydrogen cartridge and a fuel tank for storing hydrogen-containing liquid fuel. With respect to claim 12, see column 4, lines 11-14.

Kagatani discloses that it is known in the art to use hydrogen cartridges and a fuel tank (12) for storing hydrogen-containing liquid fuel.

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Based on the teachings of Kagatani, it would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention to modify the system of Worst to include hydrogen devices to create electrical power.

*Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kume et al. shows a window opening and closing apparatus.

Field shows a electric hybrid vehicle.

Ohmori et al. shows a power window control apparatus.

Tanaka et al. shows a vehicle window control system responsive to external force.

Mandell shows a travel accessory.

Steinmann et al. shows a safety arrangement for powered vehicle windows.

16. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number (703) 308-2086.

  
Bridget Avery

April 23, 2001

  
BRIAN L. JOHNSON  
SUPERVISORY PATENT EXAMINER  
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4/23/01